

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
DELTA DIVISION**

**JERRY JAMES ELLIS  
ADC #078658**

**PLAINTIFF**

v. **Case No. 2:20-cv-00244-LPR-JJV**

**DEXTER PAYNE, Director, ADC, et al.**

**DEFENDANTS**

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. (Docs. 4, 6).<sup>1</sup> After a careful and *de novo* review of the record, the Magistrate Judge's proposed findings and recommendations, and Plaintiff's objections, the Court adopts the proposed findings and recommendations in their entirety.

Accordingly, Plaintiff's Complaint (Doc. 2) is DISMISSED without prejudice due to his failure to pay the filing fee. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an *in forma pauperis* appeal from this Order and the accompanying Judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 3rd day of February 2021.



LEE P. RUDOFSKY  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Doc. 6 is not technically an objection to Judge Volpe's proposed findings and recommendations. It is technically a response to Judge Volpe's Order denying Plaintiff's IFP application and requiring Plaintiff to submit the statutory filing fee. (Doc. 3). However, out of an abundance of caution, the Court will construe Doc. 6 as an objection to the proposed findings and recommendations. Plaintiff has not filed any other objection, and the time for doing so has passed.